



## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

BRANDON RUIZ-JUAREZ )

Case No. 8:17-MJ-35 (GLF)

Defendant. )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 25, 2017 in the county of Clinton in the Northern District of New York the defendant violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(i)

*Offense Description*

Bringing in and Harboring Certain aliens in violation of 8 U.S.C. § 1324(a)(1)(A)(i)

This criminal complaint is based on these facts:

On or about January 25<sup>th</sup>, 2017, Brandon RUIZ-JUAREZ, a Mexican Citizen and Lawfully Admitted Permanent Resident of the United States, knowing of the fact that, Nora MONTES-MARTINEZ is an alien, brought or attempted to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien.

☒ Continued on the attached sheet.

*Complainant's signature*

George DeJesus, Border Patrol Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: January 27, 2017

*Judge's signature*

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

*Printed name and title*

**Continuation Sheet—United States v. Brandon RUIZ-JUAREZ**

On January 26, 2017 at about 1:04AM the New York State Police received a call about two suspicious persons asking to use the phone of the resident at 911 Hemmingford Road in Mooers, NY. NYSP relayed the information to the U.S. Border Patrol in Champlain, NY. NYSP Trooper Brown and Supervisory Border Patrol Agent Richard Hood and Border Patrol Agent Reynaldo Almaguer responded to the scene. The residents said the two subjects (a male and a female) appeared to be Asian and did not speak English very well. The residents stated one of the subjects was wearing sweat pants. The residents also said the subjects had a cell phone, but they apparently did not have service. The residents said they last saw subjects walking north on Hemmingford Road. This location is about three miles south of the U.S./Canada border.

NYSP and USBP searched the area for the subjects but were unable to locate them.

Earlier in the evening there had been a light snow. The subjects were backtracked from the residence and it was found that they had gone to the church across the street from 911 Hemmingford Road. Their tracks showed that they had approached the doors of the church, apparently trying to gain entry.

Recent tracks were also found about 250 yards to the east of the residence, on the north side of Maple Street. The southbound tracks of two individuals were found by SBPA Hood. The tracks were on an abandoned railroad bed in a wooded area.

About two miles north of that location, BPA Kevin Dubuque discovered recent southbound tracks for two persons on the same railroad bed, at the intersection of North Star Road.

Swanton Sector Radio Dispatch (KAD640) was contacted and they confirmed a sensor activation had occurred on the railroad tracks earlier in the evening. The foot sign was tracked back to the United States/ Canada border and the foot sign was right next to a border monument. There were two sets of footprints walking south from Canada into the United States, and there is no Port of Entry where the foot sign was found. The foot sign next to the border monument matched the shoes that RUIZ-Juarez and MONTES-Martinez were wearing at the time of the arrest.

At about 6:15AM SBPA Hood returned to the area to look for the subjects. About one mile away, southwest of the residence, SBPA Hood observed a taxi (with a lit top bulb) exit the parking lot of L&M Convenience Store at 2568 Route 11. This was the only business open in the area at that time. SBPA Hood could see one rear passenger, with a fur lined collared jacket. The taxi turned east onto Route 11. The taxi then turned south onto Route 22, towards Plattsburgh, NY. Taxis are rarely seen in the area transporting local people.

After the taxi continued onto Route 22 SBPA Hood could see the taxi had two passengers. About three miles south of intersection of Route 11 and Route 22 SBPA Hood performed a vehicle stop on the taxi. SBPA Hood introduced himself as U.S. Border Patrol Agent in English and asked for the citizenship of the subjects. The male, Brandon Emmanuel RUIZ-Juarez, answered that they were both citizens of Mexico. RUIZ was wearing sweat pants, matching the prior description. RUIZ stated in English he was a "Resident" in the U.S. and showed a NY Driver License (# ). SBPA Hood stated in Spanish that he was a U.S. Border Patrol Agent/immigration officer. RUIZ stated the female, Nora Alicia MONTES-Martinez, was his wife. SBPA Hood asked the subjects in Spanish if they had passports and they provided their Mexican passports. SBPA Hood examined the passports and noticed that RUIZ had a January 20, 2017 Canada entry stamp from the P.E. Trudeau International Airport in Montreal, Quebec, Canada. RUIZ also had a March 25, 2016 U.S. entry stamp from Orlando, Florida stating his status as "LPR" – Legal Permanent Resident.

Both subjects were transported back to the Champlain Border Patrol Station for further investigation.

**Continuation Sheet—*United States v. Brandon RUIZ-JUAREZ***

At 8:45am Brandon RUIZ-Juarez was advised of his rights and he waived his right to have an attorney present during questioning. RUIZ stated that he met MONTES-Martinez approximately one year ago on Facebook, where they started communicating and then started dating. RUIZ stated that once Canada changed their visa requirements for Mexican citizens was when MONTES decided to fly to Montreal, Canada and attempt to enter the United States.

MONTES entered Canada on December 24, 2016 through Pierre Elliot Trudeau International Airport. Also on December 24, 2016, RUIZ attempted to enter Canada by car near the Alburg, Vermont Port of Entry (POE), RUIZ was refused entry into Canada. At the POE, RUIZ stated that he was going to the Dorval airport to meet his girlfriend named Nora MONTES-Martinez that was flying in from Mexico City. RUIZ was allowed to proceed through the POE because he did not depart the United States. RUIZ was questioned about his refusal and he stated that the plan was to bring MONTES to the United States then however, he was refused entry to Canada. He stated that MONTES flew back Mexico after learning of RUIZ's refusal.

On January 20, 2017, MONTES and RUIZ entered Canada through Trudeau International Airport on separate flights. RUIZ stated that they spent several days in Montreal seeing sights. On January 25, 2017, MONTES and RUIZ took a taxi from Montreal to the border. When asked where he decided they should cross, RUIZ stated that he looked at Google Maps and picked a spot that looked sparsely populated and would be easy to cross. RUIZ stated that he knew it was illegal to cross there and that MONTES did not have papers to be in the United States. He stated he wanted to bring his "wife" even though they are not married to New York City to live with him, and that he did not see what the big deal is that she did not have papers, most people he knows do not have papers.